

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

Peter T. Dalleo
CLERK OF COURT

LOCKBOX 18
844 KING STREET
U.S. COURTHOUSE
WILMINGTON, DELAWARE 19801
(302) 573-6170

June 27, 2006

TO: Thomas R. Miller
SBI #144108
DCC

RE: Trust Account Statement, CA 06-349 GMS

Dear Mr. Miller:

The Clerk's Office is in receipt of an incomplete trust account statement (copy enclosed herewith). Please be advised that the Court's order dated June 15, 2006, clearly states that "Plaintiff shall submit to the Clerk of Court, a certified copy of his trust account statement (memorandum or institutional equivalent, with attachments) showing all deposits, expenditures and balances during the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined."

Your letter entitled "Filing of Certificate of Ledger", along with multiple copies of a "Certificate" dated 4/26/06 do not meet the Court's requirements. In order to calculate the initial partial filing fee, we must receive copies of the entire monthly ledgers for the six month period preceding the filing of the complaint, showing all deposits, expenditures and balances.

Please return the complete trust account summary with attached monthly ledgers to the Clerk of Court not later than July 15, 2006.

Nothing contained in this letter is intended to express an opinion as to the merits of any claims which you may be alleging.

Sincerely,

/rbe

PETER T. DALLEO
CLERK

cc: The Honorable Gregory M. Sleet, CA 06-349 GMS
NR
Business Office, DCC

PaperDocuments

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:06-cv-00349-GMS
Internal Use Only**

Miller vs. Carroll et al
Assigned to: Honorable Gregory M. Sleet
Demand: \$600,000
Related Cases: [1:04-cv-00315-GMS](#)
[1:93-cv-00367-SLR](#)
[1:94-cv-00070-RRM](#)
[1:94-cv-00375-LON](#)
[1:94-cv-00562-JJF](#)
[1:95-cv-00019-LON](#)
[1:96-cv-00048-LON](#)
[1:96-cv-00187-GMS](#)
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 05/25/2006
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison
Conditions
Jurisdiction: Federal Question

Plaintiff**Thomas R. Miller**

represented by **Thomas R. Miller**
#144108
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977
PRO SE






V.

Defendant**Warden Thomas Carroll****Defendant**

Dr. Maggie Bailey
Administration Medical Dept

Defendant**Contractor CMS**

Date Filed	#	Docket Text
05/25/2006	<u>1</u>	MOTION for Leave to Proceed in forma pauperis - filed by Thomas R. Miller. (Attachments: # <u>1</u> Trust Fund Account Statement)(dab,) (Entered: 05/26/2006)

05/25/2006	 <u>2</u>	COMPLAINT filed pursuant to 42:1983 with Jury Demand against Thomas Carroll, Maggie Bailey, Contractor CMS - filed by Thomas R. Miller.(dab,) (Entered: 05/26/2006)
05/25/2006	 <u>3</u>	Notice of Availability of a U.S. Magistrate Judge to Exercise Jurisdiction (dab,) (Entered: 05/26/2006)
05/31/2006		Case assigned to Judge Gregory M. Sleet. Please include the initials of the Judge (GMS) after the case number on all documents filed. (rjb,) (Entered: 05/31/2006)
06/15/2006	 <u>4</u>	ORDER granting Motion to Proceed IFP. Filing Fee of \$350.00 Assessed. Plaintiff requested to submit trust fund account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. (Copy to pltf.). Notice of Compliance deadline set for 7/17/2006. Signed by Judge Gregory M. Sleet on 6/15/06. (mmm) (Entered: 06/15/2006)
06/20/2006	 <u>5</u>	Incomplete Trust Fund Account Statement by Thomas R. Miller. (mmm) Modified on 6/27/2006 (rbe,). (Entered: 06/27/2006)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

THOMAS R. MILLER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-349 GMS
)	
WARDEN THOMAS CARROLL,)	
DR. MAGGIE BAILEY, AND)	
CONTRACTOR CMS,)	
)	
Defendants.)	

FILING FEE ORDER

1. The plaintiff Thomas R. Miller, SBI #144108, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee.

2. Consistent with 28 U.S.C. § 1915(a)(1), the plaintiff has submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavit, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00. In order to determine the schedule of payment of the filing fee, the plaintiff shall submit to the Clerk of Court, a certified copy of his trust fund account statement (memorandum or institutional equivalent, with attachments) showing all deposits,

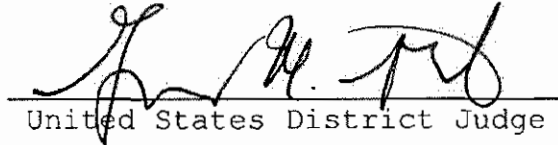
expenditures and balances during the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from the plaintiff's financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the

Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: *June 15, 2006*


United States District Judge

In The United States District Court
For The District of Delaware

5

Thomas R. Miller
Plaintiff

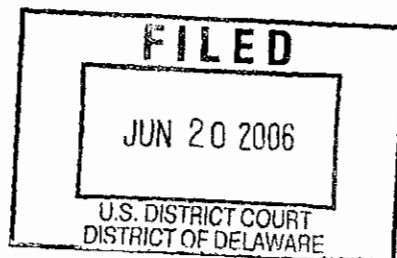
v.

Warden Thomas Carroll
Dr. Maggie Bailey, And
Contractor CMS

Civil Action NO. 06-349-GMS

Filing of Certificate of Ledger

To Clerk of the Court will you forward the certificates
to Judge Sleet. If anything else needs to be sent please let
me know.



RD Scanned

Thank You
Sincerely
Thomas R. Miller

CERTIFICATE

(Incarcerated applicants only)

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 28 on account his/her credit at (name of institution) Delaware Correctional Center

I further certify that the applicant has the following securities to his/her credit:

N/A

I further certify that during the past six months the applicant's average monthly balance was \$ 5.43

and the average monthly deposits were \$ ~~11.47~~

4/26/06
Date

Stacy Shane
Signature of Authorized Officer

(NOTE THE REQUIREMENT IN ITEM 1 FOR THE INMATE TO OBTAIN AND ATTACH LEDGER SHEETS OF ACCOUNT TRANSACTIONS OVER THE PAST SIX MONTH PERIOD. LEDGER SHEETS ARE NOT REQUIRED FOR CASES FILED PURSUANT TO 28 USC §2254)

Mr. Miller - This form is to be filled out by myself. -not you. Read above

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